

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CA NO. 04-12382 (RCL)

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*****  
GETRONICS WANG CO., LLC,          *  
    Plaintiff,                    *  
                                   *  
v.                                  *  
                                   *  
HYNIX SEMICONDUCTOR, INC., and    *  
SAMSUNG ELECTRONICS CO., LTD.,    *  
    Defendants.                  *  
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DEPOSITION OF ANTHONY P. PAOLILLO,
taken pursuant to Rule 30(b)(6) of the Federal
Rules of Civil Procedure, before Susan L.
Prokopik, Registered Merit Reporter and Notary
Public in and for the Commonwealth of
Massachusetts, at the offices of Nixon Peabody
LLP, 100 Summer Street, Boston, Massachusetts, on
Wednesday, September 28, 2005, at 9:19 a.m.

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1 Q. Okay. And then it goes on to say that, "If you,"
2 referring to Wang, "can have the appropriate
3 Korean authorities inform us we don't have to pay
4 the taxes, we'll send the withheld taxes to you."

5 Correct?

6 A. Correct. That's what it says, yes.

7 Q. And then it suggests that "The Korean tax counsel
8 for Wang should handle this." Goes on to say,
9 "Because Wang is the real party in interest on
10 this issue."

11 A. Correct.

12 Q. You would agree with me that Wang was the real
13 party in interest on this issue, correct?

14 A. I'm not sure what --

15 Q. What I mean is that --

16 A. I --

17 Q. -- Samsung was only a withholding agent for Wang
18 with respect to these taxes which were being
19 withheld.

20 A. I disagree with the statement.

21 Q. Okay. In what way?

22 A. Well, that Wang's position was that the tax
23 should not have been withheld and that the --
24 Wang's only interest in this was to recoup the

1 royalty payments and that the real party of
2 interest here became Samsung and -- Samsung
3 because they're the ones that decided to withhold
4 this piece.

5 Q. Was it your understanding that Samsung didn't
6 benefit one way or the other from the withholding
7 of taxes in the sense that it didn't receive --
8 it didn't keep a portion of those taxes, correct?

9 A. Agree. They did not. Yes.

10 Q. Whatever was withheld by Samsung was forwarded to
11 the Korean government, correct?

12 A. To the best of my knowledge, correct.

13 Q. And did you understand that in connection with
14 the withholding of taxes that Samsung was
15 essentially an agent, a withholding agent for
16 Wang?

17 A. If the taxes should have been withheld by --

18 Q. Yes.

19 A. By Samsung, then yes, they would become the
20 withholding agent in turning those taxes over.

21 Q. Okay. Fine. And I'm jumping a bit to the end
22 but it's your understanding -- ultimately Wang
23 received a refund of taxes that had been withheld
24 by Samsung, GoldStar, Hyundai, correct?